

Appln No. 10/040,934

Amdt date September 15, 2003

Reply to Office action of March 17, 2003

**REMARKS/ARGUMENTS**

Claims 1-9 are currently pending in this application. Applicant has amended claims 1-7 to place the claims in better condition for allowance. In view of the above amendments and following remarks, applicant respectfully submits that the application is in condition for allowance. Applicant therefore respectfully requests reconsideration and allowance of the application.

The Examiner rejected claims 1 and 3 under 35 U.S.C. 103(a) as allegedly being unpatentable over Ryan Jr. et al. (U.S. Patent 5,871,288) in view of Nuggehalli et al. (U.S. Patent 5,923,942). The Examiner admits that Ryan does not disclose or suggest selecting the height and width of a custom sized envelope. The Examiner alleges however, that Nuggehalli discloses the use of custom size paper that includes selecting the height and width of the custom size paper. The Examiner further alleges that it would have been obvious to one of ordinary skill in the art to modify Ryan to select the height and width of an envelope because Nuggehalli teaches that the ability to use custom sized paper provides increased flexibility of uses for a printer. Applicant respectfully traverses this rejection.

The combination of references in an obviousness rejection must be based upon a clear and particular showing of a teaching or motivation to combine those prior art references. Ryan discloses a method for improving the print quality of a 2-D bar code. The system of Ryan, allows customers to vary the 2-D bar code module size to increase the read rate for certain types of envelopes. The system of Ryan first determines the printer and envelope type "including print resolution, for printer that will print 2-D bar code and entering paper type for the envelope. A

**Appln No. 10/040,934**

**Amdt date September 15, 2003**

**Reply to Office action of March 17, 2003**

suggested 2-D bar code module size is calculated based on the paper and the printer type. A test sample 2-D bar code is printed at the suggested 2-D bar code module size. The printed test sample is scanned and then evaluated for print quality and readability." (Ryan, col. 2, lines 47-55).

Ryan however, does not disclose or suggest the use of different envelope sizes. In addition, the readability of the 2-D bar codes which Ryan seeks to improve is not affected by the size of the envelope. Rather, Ryan adjusts the size of the 2-D bar code module in accordance with the qualities of the printer and the quality of the paper that is being printed on. Therefore, one of skill in the art would not be motivated to modify the teachings of Ryan to include the use of custom paper sizes as taught by Nuggehalli. Accordingly, neither Ryan or Nuggehalli provide any teaching, suggestion or motivation supporting the proposed combination disclosed by applicant.

In addition, independent claim 1 recites a method of printing postal indicia on a custom sized envelope comprised in part by "rendering a postal indicia in accordance with the selected width and height of said custom sized envelope; and printing the postal indicia on said custom sized envelope." Applicant respectfully submits that the cited references, either alone or in combination, do not disclose or suggest the recited limitations.

In fact, Ryan does not disclose or suggest printing postal indicia on custom size envelopes, nor does Ryan anywhere disclose rendering a postal indicia in accordance with the selected width and height of the custom size envelope. Applicant therefore respectfully suggests that claim 1 is novel and unobvious over the cited references and is therefore allowable. Applicant further submits that claims 2-9 that

Appln No. 10/040,934

Amdt date September 15, 2003

Reply to Office action of March 17, 2003


depend directly or indirectly from claim 1 are allowable as is claim 1 and for additional limitations recited therein.

It is therefore respectfully submitted that pending claims 1-9 are in condition for allowance, and an early notice of allowance is respectfully requested.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By



Peter A. Nichols

Reg. No. 47,822

626/795-9900

PAN/pan

CKS PAS516903.2\*-09/15/03 8:54 AM